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OFFICE OF PETITIONS

In re Patent No. 6,998,298 :
Issued: February 14, 2006 :
Application No. 10/639,058 : **DECISION ON PETITION**
Filed: August 11, 2003 :
Attorney Docket No. 2000.004.00/US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).


The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The change of correspondence address submitted is hereby not accepted. There is, no indication that the person signing the request was ever given a power of attorney or authorization of agent regarding the above-identified patent. If the person signing the request desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. Accordingly, while a courtesy copy of this decision is being mailed to the address given on the request, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.


Joan Olszewski
Petitions Examiner
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